

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 2, 2005

CITY COUNCIL STUDY SESSION/KITCHEN AREA OF CITY OFFICES

PRESENT: Mayor David M. Connors, Council Members Rick Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order following a work session with the Utah Department of Transportation (UDOT), Wasatch Front Regional Council, and Kaysville City to discuss potential Legacy North/I-15 Freeway connections. The previous work session was held from 5:30 to 6:30 P.M. The following items were covered in the study session beginning at 6:30 P.M.:

Agenda Item #4–Request for Waiver of Front Yard Setback Requirements in Farmington Ranches East Subdivision. The agenda item was deleted from the evening's business.

Decision to allow brief citizen input regarding the proposed RDA project area near 600 North. Mayor Connors felt that because of the keen interest demonstrated by property owners to the proposed RDA project area near 600 North he would allow a brief period for citizen input. Legally, the issue should and would be heard in a future meeting of the RDA Board. However, the Mayor felt that because the citizens would be present in the City Council meeting and had such strong feelings, it would be diplomatic and appropriate to allow them the opportunity to briefly express their concerns.

Agenda Item #5–Request for Final Plat approval/ Farmington Ranches Phases 7a and 7b. Mr. Petersen reported the applicant had met most of the conditions required by the City. Staff recommended approval of this agenda item.

Agenda Item #6–Review of Trail Access/Other Accesses to City owned open space in Farmington Hills East, Plat “B” Subdivision. Mr. Petersen reported he had met with the Public Works Department and with Weber Basin officials. He had also reviewed the issue with the City Engineer. Currently, there was not a need for a 20 foot wide access, therefore, the property owner's proposed resolution to the easement situation was acceptable. If the wider access was needed in the future, it would not be impossible to obtain. Staff recommended approval of this agenda item.

Agenda Item #9–Resolution to receive and study annexation petition received from Landform, LLC, to annex approximately 5 acres of land in Oakridge neighborhood north of the Oakridge Farms Subdivision and west of 1500 West Street. The agenda item provided that the City Council receive for study the annexation petition.

Larry Alsup/Cindy Morrow Issues. Mr. Petersen reported action taken by the Planning Commission regarding the Alsup/Morrow issue. The applicants had submitted plans to extend their

front porch in order to bring the site plan into compliance with City ordinances. There were still some issues needing resolution.

Miscellaneous Items. Mr. Forbush briefly mentioned four miscellaneous items.

- **Shepard Heights Reservoir Reimbursement Acceleration Request.** Chris Haertel of Creekside Developers, Inc., had negotiated a discount of 15% of the amount still owed to him by the City (\$61,000) for the Shepard Heights culinary water reservoir. The Development Agreement provides for Creekside to be reimbursed 1/10 annually. Mr. Haertel wanted the repayment schedule accelerated. He will take a discount of 15% if he can be paid off now.

- **Farmington Creek Estates III Park Impact Fees.** Blake Matthews requested relief regarding park impact fees, which Mr. Forbush discussed. The impact fee worksheet normally given to developers was improperly filled out with the “NA” next to park impact fees instead of \$71,000. The developer had already secured the loan without considering the payment of park impact fees. The City Manager suggested the payment of half now and half within six months. The Council agreed and directed that an agreement be drafted for formal consideration.

- The Forest Service had requested a meeting with City officials regarding the new fire break road and a prescribed burn in the Farmington foothills.

- The property owners in Hughes Estates requested a meeting with City Officials regarding trails users near their property.

Third Wednesday COG Meetings. Mayor Connors asked that extra meetings on the third Wednesdays of each month be held to a minimum because of his obligation to attend the COG meetings held on those evenings.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Rick Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by **David Hale** and the Pledge of Allegiance was led by **Max Forbush**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the February 16, 2005, City Council Meeting. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #5)

David Petersen reported proceedings of the Planning Commission meeting held February 23, 2005. He covered the following items:

- Larry Alsup and Cindy Morrow/consideration of a modification or revocation of a conditional use permit approval to construct an attached garage located at 139 East 400 North in an OTR zone. The Planning Commission tabled consideration of weather or not to modify or revoke Conditional Use Permit C-8-04 to construct an attached garaged located at 139 East 400 North until March 10, 2005, to allow time for the applicants to resolve all issues as stated in Mr. Petersen's letter dated January 31, 2005. They further moved that the "stop work" order on garage construction be temporarily lifted until March 10, 2005, to allow the applicant to move forward with work which would bring the construction into compliance with City ordinances and stated requirements, subject to approval of the new building plans by the City's Building Department. The "stop work" order may be reimposed if the applicant does not comply with the requirements set forth in the January 31, 2005, letter and all other applicable City ordinances and standards. Also, the Planning Commission requested that the Historic Preservation Commission review the plans and give a recommendation to the Planning Commission, especially regarding mitigation for the southwest corner of the property where an old home was demolished.
- Oakridge Country Club/ request for approval to modify an existing conditional use permit for a new club house located at 1492 West Shepard Lane in an LR zone. The Planning Commission modified the site plan portion of the conditional use permit for a new club house located at 1492 West Shepard Lane, moving the parking lot to the south, as requested by the applicant.
- Davis County/ request for review comments regarding a conditional use/site plan application to expand the County Jail located at 800 West State in a BP zone. The Planning Commission stated they had no significant concerns with the use or the site plan, however, there were several concerns regarding public safety. The Planning Commission requested help from the Sheriff's Department to see if there was anything they could do to help the School District change their policy regarding busing in the area.
- Lewis Nord request for a recommendation to amend the Farmington Downs Subdivision by vacating all of lot 4 for future developing purposes. The Planning Commission recommended that the City Council amend the Farmington Downs Subdivision by vacating all of Lot 4 for future development.

- Symphony Homes request regarding development of property affected by the 4218 elevation mark. Symphony Homes discussed mitigation actions that could be taken to make low lying property east of the I-15 Highway developable.

REQUEST FOR WAIVER OF FRONT YARD SETBACK REQUIREMENTS IN FARMINGTON RANCHES EAST SUBDIVISION/RICHMOND AMERICAN HOMES (Agenda Item #4)

This item was deleted from the agenda.

REQUEST FOR FINAL PLAT APPROVAL OF THE FARMINGTON RANCHES PHASES 7A AND 7B/ PATRICK MOFFAT (Agenda Item #5)

Mr. Petersen reported the Planning Commission voted on February 10, 2005, to recommend to the City Council final plat approval of the Boyer Company's application for Farmington Ranches Phases 7A and 7B on property located at approximately 2200 West Clark Lane. He reviewed the conditions set forth by the Planning Commission as part of that recommendation.

Motion

Susan Holmes moved that the City Council grant final plat approval for Farmington Ranches Phases 7A and 7B subject to the conditions set forth in the City Planner's letter dated February 16, 2005. **Sid Young** seconded the motion. Ms. Holmes emphasized the importance of having conditions placed on all developments tracked and appropriately met.

Patrick Moffat commented on the outstanding conditions. He said they had been waiting for the City Engineer's response to their plans.

Voting on the motion was unanimous in the affirmative.

REVIEW OF TRAIL ACCESS/OTHER ACCESSES TO CITY OWNED OPEN SPACE IN FARMINGTON HILLS EAST, PLAT "B" SUBDIVISION (Agenda Item #6)

Mr. Forbush reported that David Derrick had built structures across an access road easement. Land remaining would accommodate only a trail. Vehicular access to the area could be provided from a lower cul-de-sac. Staff recommended approval of the resolution. Mr. Derrick was willing to relocate his fence and to make trail improvements on the portion of the easement unaffected by the structures.

Motion

Rick Dutson moved that the City Council accept the staff recommendation to resolve an easement encroachment in the Farmington Hills East, Plat "B" Subdivision as presented. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PUBLIC RELATIONS PROPOSAL/DAVID J. ASAY (Agenda Item #7)

Mr. Forbush introduced Mr. Asay who addressed the Council.

David Asay stated that public relations and public involvement are very important to a growing city like Farmington. Public relations is the method by which a city represents itself to the public. Public involvement builds a consensus with the citizens that defines the City's image. He felt that there were several ways in which Farmington could improve the ways in which it communicates to the public. He discussed specific ways in which he felt Frontline (his public relations company) could serve the City.

Mayor Connors stated that it would be interesting to discuss some of Mr. Asay's ideas during the upcoming study sessions for the 2005-2006 fiscal year budget. It would be well to see ideas from Mr. Asay in print.

PUBLIC INPUT REGARDING POSSIBLE RDA CREATION AROUND THE 600 NORTH STREET AREA (Additional Agenda Item)

Mayor Connors stated that there had been a great deal of public interest in the possible creation of an RDA project area in the vicinity of 600 North Street. He said that such a project may not be viable because of recent actions by the Utah Legislature. It was always the desire of the City Council to have public input. He asked that citizens limit their comments and that the Council would be very interested in the general feelings of the citizens at this point. No funds would be expended until the Legislature makes its final decision regarding RDA creations, nor would any funds be expended until all appropriate public input was heard. The project area would not be created into an RDA without following all legal guidelines including thorough and numerous public hearings. He asked that those in attendance sign a roll so that City officials could be certain all interested parties had notice of any future meetings. He informed those present that the City Council was the wrong forum to discuss the RDA project. The RDA Board meeting would be the correct forum. However, because the public was there in such large numbers, he would allow 10 minutes for discussion of the issue.

Mr. Haugen recused himself from discussion of the issue because of his potential conflict of interest.

Tom Owens (owner of the Old Rock Mill) presented a letter from neighbors in the vicinity. He had worked for 12 years to preserve the Old Rock Mill for the public. He found that the Old Rock Mill had been included in a possible blight study. He had been insulted that he had been included

without any prior noticed. His property along with his neighbors were at risk. He did not feel that the government should operate in such a manner. He expressed appreciated for the time and effort given by the RDA Board but stated that the RDA concept was flawed and corrupt.

Don Bradshaw stated that his main concern was the lack of any notice on the action. Two months ago he had heard there might be an RDA that would involve him. He was told by staff that it would be a long way off and that there would be public hearings conducted. There had been no notice of such an RDA meeting. He could not find an RDA meeting agenda on the internet or anywhere else. He said he understood the RDA had taken the action to beat the moratorium proposed by the Utah Legislature. However, he did not feel the area in which he lived was a blighted area. Putting all the area in the project area would put a cloud over the vicinity. It looked to the neighbors that it had been designed to benefit one or two people and not all the property owners. He wanted to know what would be accomplished by the RDA project area and how it would benefit all the property owners.

Lyndon Evans (property owner) seconded the comments that had been made. He felt notice was critical. He also wanted information about how the proposed RDA would affect the property owners and how the boundary lines were going to be decided.

Mayor Connors stated that Farmington City always follows all the rules of RDA creation very carefully. The RDA Board had not tried to be underhanded or in any way secretive. Creating an RDA project area is a lengthy process. The process can actually take years and includes multiple public hearings along the way. Notice will be given for each public hearing prior to performing any blight study.

Ms. Holmes stated that “blight” is a legal term. It does not mean that properties are not well kept or not of value. People should not be offended by the term. One of the reasons for considering the RDA area is to protect one of the important water sources for the City.

Don Bradshaw said he realized that Farmington was interested in the RDA process because it allowed them to develop certain areas. However, the City Council needed to understand that RDAs do affect the property value of citizens who live within such areas. He asked that the Council take careful note of all citizen input.

Karen Davis asked when the RDA Board holds their meetings.

Mayor Connors stated that the RDA Board meets on an “as needed” basis. He stated that those interested would get notification. He thanked those who made comments.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)

Mr. Haugen rejoined the City Council rostrum.

David Hale moved that the City Council approve the following items by consent as follows:

- 8-1. Ratification of Construction Bond Agreements previously signed by mayor Connors.
- 8-2. Ratification/Acknowledgment of Museum Board Members.
- 8-3. Approval of Public Improvements Extension Agreements with J.R. Warner and Kyle Stowell.
- 8-4. Authorization for City staff to pay annual Weber Basin Water Conservancy District assessment by direct payment rather than by taxation.
- 8-5. Assignment of Problems Resolutions Committee to study street tree trimming issue with Utah Power and others.

Rick Dutson seconded the motion, which passed by unanimous vote.

RESOLUTION TO RECEIVE AND STUDY ANNEXATION PETITION RECEIVED FROM LANDFORM, LLC, TO ANNEX APPROXIMATELY 5 ACRES OF LAND IN OAKRIDGE NEIGHBORHOOD NORTH OF THE OAKRIDGE FARMS SUBDIVISION AND WEST OF 1500 WEST STREET (Agenda Item #9)

Mr. Forbush introduced the agenda item. The agenda item was a simple procedure of receiving the annexation petition for study.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2005-07, a resolution receiving an annexation petition from Landform, L.L.C., for consideration by Farmington City. **David Hale** seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING AND RECODIFYING TITLE 1 OF THE CITY CODE/ MAX FORBUSH (Agenda Item #10)

Motion

Susan Holmes moved that the City Council adopt Ordinance No. 2005-08, an ordinance amending and recodifying Title 1 of the Farmington City Municipal Code regarding General Provisions. **Larry Haugen** seconded the motion, which passed by unanimous vote.

LEISURE SERVICES ADVERTISING/SCOPE OF WORK PROPOSAL RELATED TO ARTS COUNCIL/KRISTINE LINDORFF/VIOLA KINNEY (Agenda Item #11)

Viola Kinney introduced Kristine Lindorff. The Arts Council felt a need to increase advertising and obtain help from a professional. Ms. Lindorff had the qualifications necessary for the position. The proposed budget for the Arts Council project was included in the packet. The suggested service agreement was from March through June of 2005. Thereafter, it would have to be approved by budget and renewed by agreement. Ms. Kinney stated she did not have time to do all the publicity needed for Art Council activities. She felt that Ms. Lindorff had talents which could benefit the City, both in advertising and in expanding the classes offered through the City's Art Council.

Ms. Lindorff said she would prepare a scope of work and a budget proposal for the City and would begin work specifically on publicity for two major up-coming events. The Arts Council would need a logo that was specific to them. However, from what she had observed, Ms. Lindorff said the logo being considered by the City currently may work well.

Ms. Holmes felt strongly that the Arts Council was in need of upgrading their publicity and the product being offered citizens. The work done in the past had been wonderful, but with the growth of the City it was now time to consider obtaining professional assistance. She knew that Ms. Lindorff had had experience in obtaining grants. Such experience would be a great benefit to the City.

Motion

Susan Holmes moved that the City Council authorize the payment of \$500.00 per month to Ms. Lindorff for performing advertising services as discussed in the meeting.

In discussion of the motion, Council Members suggested that the motion indicate Ms. Lindorff's services were being contracted for a four month period and that a scope of work including specific assignments and budget be outlined within the first month of service. If Ms. Lindorff's services prove viable at end of the four months (at which time the Community Center basement may be finished), the City Council could consider adding extra classes with the aid of Ms. Lindorff. Ms. Lindorff stated she would evaluate the needs of the Arts Council, prepare of list of services, and include a budget by the end of her first month of service.

Rick Dutson seconded the motion, which passed by unanimous vote.

GENERAL DISCUSSION REGARDING RECOMMENDATIONS FOR RAILROAD CROSSING IMPROVEMENTS AT 1525 WEST/BURKE LANE (Agenda Item #12)

Mr. Forbush reviewed the agenda item. He had met with David Petersen, the City Attorney, and representatives of the developers. Along 1525 West and Burke Lane there are railroad crossings which need attention especially in light of the coming residential development. Traffic engineers indicate the crossings will be problematic when added traffic are on the roads. Future road designs will eventually resolve the problems, but in the interim there needs to be mitigation strategies to

protect existing residents. One of the crossings needs reconstruction because of sight distance problems. The Burke Lane crossing would qualify to be added to the capital facilities improvement list for use of street impact fees. The other crossing would not qualify. The developer could be reimbursed for the improvements made to the Burke Lane crossing. Mr. Forbush suggested the developers should pay for the improvements on the 1525 crossing. Mr. Flanders had not been consulted regarding the improvements. A meeting would be scheduled to talk with Mr. Flanders

By consensus, City Council directed staff to move forward in consideration of adding the Burke Lane crossing to the road impact fees Capital Facilities list and to entering into an agreement with developers to have them pay for safety improvements to the 1525 crossing and related roadway from the intersection of 1525 West/Burke Lane south to the connection of the existing road to the improvements installed by Farmington Ranches developers.

REPORT OF CITY COUNCIL COMMITTEE/STAFF MEETINGS (Agenda Item #13)

Shepard Lane/I-15 Interchange/Discussion with Oakridge Neighborhood/ (David Hale and Susan Holmes)

Mr. Hale reported he had attended meetings with neighbors in the Oakridge area regarding the traffic corridor of Shepard Lane and I-15. There had been a lot of negative concern, particularly with the proposal for a new residential development. There had been hope expressed that UDOT would find a way to get traffic onto I-15 north of Kaysville. Mr. Hale felt the developer may be asking for things that would not be a benefit to the City. Transportation must be carefully reviewed.

Farmington Ranches HOA/Management/Improvements to Open Space (Sid Young and Susan Holmes)

Mr. Young said they had met with Mr. Crabtree (president of the Farmington Ranches HOA) and discussed the HOA's concerns with open space and recreational areas. There were issues regarding water rights. The HOA would be coming before the City Council to present options for their consideration.

Engineering/ Staff Discussion with West State Street Neighborhood (Max Forbush)

Mr. Forbush stated that he and Mr. Hirst had met with citizens living in the west State Street neighborhood. They discussed possible changes to UDOT designs for the State Street overpass. Traffic engineers stated that if an on-grade intersection were to be constructed it would help the traffic flow in the area. The neighborhood was still considering recommendations. They would also like to have an interchange considered for Lund Lane which they felt would reduce the traffic at State Street. It would be helpful to the City to have a continuous frontage road

CITY LOGO DISCUSSION (Agenda Item #14)

Mr. Dutson introduced the City logo committee. There had been public input regarding the first logo design. At his own expense, Scott Eggers had volunteers to redo the log to include input which had been received from citizens.

Scott Eggers said many suggestions indicated that citizens making comments wanted something in the logo that could give people a personal connection with Farmington, especially the historical nature of the City. He explained the reasons behind the current design being presented. It needed to have an organic feel and a historic perspective. Mr. Eggers stated the old logo had mountains. Mountains had been suggested for inclusion, but Mr. Eggers said the scale was too difficult to work with. He presented the new logo design and showed several different renditions which could be used for the different departments of the City.

City Council members indicated a favorable response but asked that the new design be shown citizens for further input.

MISCELLANEOUS (Agenda Item #15)

Taxing Increment Committee

Mr. Dutson referred to a comment made by Stonehenge representatives that they had met with the Taxing Increment Committee (TEC). He wondered if it would be beneficial for City officials to meet with the TEC. By consensus, most Council Members felt it would be best to wait until an official presentation was read for consideration by the TEC.

Stonehenge Master Development Guideline

Mr. Dutson asked when the City Council needed to respond to the Master Development Guidelines. It was suggested that Council commence review of discussion of the Master Development Guidelines. This should be included as a future agenda item.

Old Police Car on City Offices Property

Mr. Hale suggested that since the old police car being used by the City inspector represents Farmington that it be cleaned up a little. At the very least, it needed new hubcaps.

Corn Maze Cleanup

Mr. Young appreciated the work being done to clean up the old corn maze site. There was still some work which needed to be done.

Chris Haertel Negotiations

Mr. Forbush explained that the City owned Mr. Haertel \$61,000 reimbursement for construction of the new water tank. \$20,000 of the money had been received from the Hawkins Company for the Deer Crest Subdivision in Fruit Heights. Mr. Haertel was willing to discount the remaining amount by \$9,000 if it could be paid immediately. Mr. Forbush recommended the City do so.

Motion

David Hale moved that the City Council approve the accelerated payment in the amount specified by Mr. Forbush subject to an agreement. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Drinking Water Board

Mr. Forbush reported he had been invited to become a member of the State Drinking Water Board. It would be a two-year term of office. After discussion and consideration of the City Managers tremendous workload, the City Council, by consensus, requested Mr. Forbush decline the request.

Farmington Creek Estates

Mr. Forbush reported that when the Farmington Creek Estates developer was informed of impact fees due, the amount for Park Impact Fees was erroneously marked. Because of this, Farmington Creek Estates developers had asked for an extension on the time required to pay these fees. By consensus, the City Council directed the City Manager to allow Farmington Creek Estates developers to pay half the amount due immediately, and complete the payment at the time building permits are issued up to 6 months (first part of September) when the developer must bring the balance current.

Legacy Highway Meeting

Mr. Forbush had received a request from Richard Stromas to invite City Council members to a meeting regarding construction of the Legacy Highway on piers across the Great Salt Lake.

Forest Service Meeting

Officials from the Forest Service wished to meet with City officials regarding the new fire break road and a prescribed burn on the eastern foothills. Sid Young volunteered to attend the meeting on Wednesday, March 9, at 4:30 P.M.

Problem Resolutions Committee

The Problem Resolutions Committee was asked to meet with Mr. Daniels and Mr. Moyers to find a resolution to trail use problems near their property.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 9:20 P.M. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City